

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

LCCS GROUP,)
Plaintiff,) Civil Action No. 1:16-cv-05827
v.) Honorable Harry D. Leinenweber
A.N. WEBBER LOGISTICS, INC., et al.,) MOTION TO DISMISS
Defendants.)

**MOTION TO DISMISS DEFENDANT
CENTRAL MICHIGAN RAILWAY CO. WITH PREJUDICE**

Plaintiff LCCS Group (“Plaintiff”), by and through counsel and pursuant to Fed. R. Civ. P. 41(a)(2), respectfully moves this Court for an appropriate Order which dismisses Defendant Central Michigan Railway Co. (“Central Michigan Railway”) with prejudice from this cause. In support of this Motion, Plaintiff states as follows:

1. On June 3, 2016, Plaintiff filed a Complaint seeking contribution and declaratory relief under CERCLA at the USOR Site against several defendants, including Central Michigan Railway (Dkt. No. 1).

2. On September 9, 2016, Central Michigan Railway filed its original Answer to Plaintiff's Complaint (Dkt. No. 121). On April 17, 2017, Central Michigan Railway filed its Amended Answer to Plaintiff's Complaint (Dkt. No. 254).

3. Plaintiff has entered into a confidential settlement agreement with Central Michigan Railway, which settles all claims between Plaintiff and Central Michigan Railway for a sum certain and other valuable consideration exchanged between the parties.

4. Under the terms of the settlement agreement with Central Michigan Railway, Plaintiff agreed to dismiss Central Michigan Railway as a defendant from this cause with

prejudice, each party to bear its own costs.

5. A proposed Order is attached as Exhibit A.

WHEREFORE, for the foregoing reasons, Plaintiff respectfully requests that the Court enter an appropriate Order dismissing Defendant Central Michigan Railway Co. from this cause without prejudice, each party to bear its own costs, and for such other and further relief as this Court may deem just and proper under the circumstances.

Dated: December 11, 2019

Respectfully submitted,

THE JUSTIS LAW FIRM LLC

/s/ Gary D. Justis

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ATTORNEYS FOR PLAINTIFF LCCS GROUP

CERTIFICATE OF SERVICE

I hereby certify that on December 11, 2019, a copy of the foregoing Motion to Dismiss Defendant Central Michigan Railway Co. with Prejudice was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access the filing through the Court's Electronic Case Filing System.

/s/ Gary D. Justis

Gary D. Justis